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8 Attorneys for Plaintiff

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA, ) No. CR 08-0025 WHA  
14 Plaintiff, )  
15 v. ) THE PARTIES' JOINT REQUEST TO  
16 REMSEN BENEDICT ) CONTINUE SENTENCING HEARING AND  
17 Defendant. ) [PROPOSED] ORDER

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18  
19 The parties jointly request that, subject to the Court's approval, the sentencing hearing  
20 presently set for July 29, 2009, be continued until September 21, 2009, at 2:00pm. The parties  
21 have learned that the Court is available for a hearing on that date. The assigned probation  
22 officer, Joshua Sparks, also has been consulted with respect to this date and has indicated that he  
23 is available on that date. The basis of the parties' joint request is set out in more detail below.

24 The defendant Remsen Benedict pled guilty without a plea agreement on September 2,  
25 2008, to one count of receiving child pornography, in violation of 18 U.S.C. §2252(a)(2). The  
26 case was referred to the Probation Office for a presentence report, which has been prepared.

27 The parties have both retained expert witnesses who will testify at the sentencing hearing.  
28 After the hearing was set for July 29, 2009, both parties learned that their expert witnesses would

1 not be available on that date, and defense counsel learned that he is required to appear in state  
2 court on that date to continue a six-defendant preliminary hearing in a potential capital case.  
3 Given these scheduling conflicts, the parties would like to continue the sentencing until  
4 September 21, 2009, when the parties, their expert witnesses, the Court, and Probation will all be  
5 available.

6 For these reasons, the parties jointly request that this Court vacate the sentencing hearing  
7 presently set for July 29, 2009, and set a sentencing hearing for September 21, 2009, at 2:00pm.

8 SO STIPULATED.

9  
10 Dated: July 22, 2009

JOSEPH P. RUSSONIELLO  
United States Attorney

11  
12 /s/

13  
14 OWEN P. MARTIKAN  
Assistant United States Attorney

15  
16 Dated: July 22, 2009

17  
18 /s/  
19 GEORGE C. BOISSEAU  
20 Attorney for defendant  
21 Remsen Benedict

1                   **[PROPOSED] ORDER**

2 Pursuant to the stipulation of the parties and for good cause shown,  
3 IT IS ORDERED that the sentencing hearing presently set for July 29, 2009, be  
4 continued to September 21, 2009, at 2:00pm.

5 Dated: July 24, 2009

